

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Connect America Fund
WC Docket No. 10-90

ORDER

Adopted: March 31, 2023

Released: March 31, 2023

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) denies a Petition filed by Northwest Fiber, LLC d/b/a Ziplly Fiber (Ziplly) requesting waiver of the Commission’s Connect America Fund (CAF) performance testing support recovery requirements in section 54.320(d)(2) of the Commission’s rules.1 Ziplly contends that it “inherited” from Frontier in May 2020 an aging Digital Subscriber Line (DSL)-based network with a faulty line card, and that this faulty line card caused Ziplly to fail the latency testing requirements in the fourth quarter of 2021.2 Ziplly asserts a waiver is in the public interest because Ziplly has demonstrated reasonable efforts to comply with the rules, and that supply chain issues caused hardship in rectifying the network issues.3 For the reasons described below, the Bureau denies Ziplly’s waiver request.

I. BACKGROUND

2. In the USF/ICC Transformation Order, the Commission concluded that recipients of high-cost support4 should be required to test their broadband networks for compliance with speed and latency metrics and to certify and report those results to the Universal Service Administrative Company (USAC), subject to audit.5 This testing protects the investment of universal service support by ensuring that carriers receiving support deploy networks that provide the service quality promised to rural consumers.6 The Commission’s speed and latency standards require support recipients to offer broadband with latency suitable for real-time applications, such as Voice over Internet Protocol (VoIP), and meet the minimum speed standards required by the program from which they receive support.7 Recipients of CAF

1 Network Fiber, LLC d/b/a Ziplly Fiber, LLC Petition for Waiver, WC Docket No. 10-90 (filed July 18, 2022) (Ziplly Petition).

2 Id. at 1-2.

3 Id. at 10.

4 High-cost support recipients must be eligible telecommunications carriers (ETCs). See 47 CFR § 54.201.

5 Connect America Fund et al., WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17705-06, para. 109 (2011).

6 Performance Measures Reconsideration Order, 34 FCC Rcd at 10110, para. 2.

7 The Commission adopted an order setting forth detailed performance measures requirements in 2018 and expanded those requirements in an order on reconsideration in 2019. See Connect America Fund, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (WCB 2018) (First Performance Measures Order); Connect America Fund, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109, 10110, para. 4 (2019) (Performance Measures Reconsideration Order).

II Model-based support were required to test and certify that 95 percent of testing hours latency measurements were at or below 100 ms (the latency standard).<sup>8</sup>

3. Carriers failing to meet the required standards are subject to withholding or recovery of support, based on their level of non-compliance.<sup>9</sup> During the performance measurement testing period, when a non-compliant carrier brings its performance testing into compliance, previously withheld universal service support is restored.<sup>10</sup> However, when a carrier is unable to demonstrate compliance at the end of the support term, the Commission's rules provide that USAC recover support equal to 1.89 times the average amount of support per location received in the support area for the relevant number of locations for that carrier, plus 10% of the carrier's total relevant high-cost support over the support term for that support area. This calculated support recovery amount is then multiplied by the percentage of time since the carrier was last able to demonstrate compliance based on performance testing, on a quarterly basis, i.e. by the percentage of time since a carrier was last able to show full compliance with performance testing requirements prior to the end of the support term on a quarterly basis.<sup>11</sup> For example, if a carrier's performance testing has not been in compliance with the Commission's requirements for the 15 preceding quarters of testing, out of a total of 20 annual quarters in which it received support, the calculated support recovery amount would be multiplied by 15/20 or 3/4.

4. Zply was a CAF II Model-based support recipient providing broadband data and voice services to customers in the Pacific Northwest, in primarily rural and underserved areas of Idaho, Montana, Oregon, and Washington.<sup>12</sup> In Idaho, the service area at issue in this Petition, Zply received \$5,223,120 in annual support – and certified to meeting its required deployment obligation.<sup>13</sup>

5. Zply states that it acquired an aging digital subscriber line (DSL)-based network in Idaho from Frontier in May of 2020 and had consistently met the required speed and latency performance benchmark requirements during the applicable testing period through the first three quarters of 2021.<sup>14</sup> Zply contends that in the fourth quarter, and for a limited period of time, Zply's network performance fell below the benchmark standards for latency due to an unexpected data network event.<sup>15</sup> Zply asserts that it acted quickly to restore the network traffic and has implemented steps to ensure network stability going forward.<sup>16</sup> Zply further states that the network event was limited to the data network, and that no customer complaints were received in response to the network anomaly.<sup>17</sup>

6. Zply relays that during a routine review of its fourth quarter 2021 testing results, it identified tests that produced high latency results for end users that were accessing high-capacity applications, such as streaming services.<sup>18</sup> Zply states that it was unaware of any network issues until it

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<sup>8</sup> *First Performance Measures Order*, 33 FCC Rcd 6526-27 at para. 48; *see also*, *Connect America Fund*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd 15060, 15068-74, paras. 19-32 (WCB 2013) (*CAF Phase II Price Cap Service Obligation Order*).

<sup>9</sup> *Id.* at 10133-38, paras. 65-75; *First Performance Measures Order*, 33 FCC Rcd at 6530-33, paras. 56-67.

<sup>10</sup> *First Performance Measures Order*, 33 FCC Rcd at 6532, para. 64.

<sup>11</sup> 47 CFR § 54.320(d).

<sup>12</sup> Zply Petition at 1.

<sup>13</sup> *See* USAC, Connect America Broadband Map, <https://data.usac.org/publicreports/caf-map/> for Northwest Fiber in Idaho. Zply was required to deploy to 10,012 locations, and Zply certified to deploying 10,031 locations.

<sup>14</sup> Zply Petition at 1-2.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 2.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 5.

reviewed this report.<sup>19</sup> Zply at first assumed that the errors with its fourth quarter 2021 testing submission results arose from technical issues on USAC's reporting platform.<sup>20</sup> After investigating, Zply determined that a data network event (a failed line card) occurred during the testing period from October 22, 2021 through October 28, 2021. This network event caused the primary traffic route leaving Idaho, a third-party provisioned backhaul circuit, to fail, which in turn caused corrupt packet transmission, which increased latency and resulted in 19,682 tests with a high latency result (greater than 100 ms).<sup>21</sup> Zply reports that the traffic was then routed onto a secondary traffic route over another third-party provisioned backhaul circuit, leading to even fewer successfully completed tests as the increased traffic overwhelmed the third-party provisioned backhaul circuit.<sup>22</sup>

7. Zply alleges that the acquired system had no alert mechanism to signal a fault in the network, so Zply was not made aware of the failure.<sup>23</sup> Further, Zply states that the testing software acquired from Frontier does not produce any data summaries nor does it aggregate the reported data of the test results, making it extremely difficult for Zply to have caught the system failure at the time it occurred.<sup>24</sup> Zply maintains that it was unable to complete additional testing by the December 21, 2021 deadline because of outdated testing protocols it acquired from Frontier.<sup>25</sup>

8. Once Zply became aware of the testing issues and the investigation revealed the network event, Zply maintains that it took action to resolve the data network event that triggered latency issues and implemented steps to ensure network stability moving forward.<sup>26</sup> Zply asserts that prior to the network event, it had placed an order for an additional line card in December 2020 as a pre-emptive upgrade to the network.<sup>27</sup> Zply states that the order for the new line card was severely delayed due to materials shortages and supply chain issues, but it was eventually delivered and installed in May 2022.<sup>28</sup>

9. As a result of the network failure, 83.49% of Zply's testing hours latency measurements were at or below 100 ms for the test sample in Idaho during the fourth quarter of 2021.<sup>29</sup> For the 2021 testing year as a whole, 93.94% of Zply's latency tests met the minimum standard resulting in annual latency compliance percentage of 98.9%<sup>30</sup> (non-compliance percentage of 1.1%).<sup>31</sup> Pursuant to the

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 5-6.

<sup>22</sup> *Id.* at 6.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 7.

<sup>27</sup> *Id.* at 7-9.

<sup>28</sup> *Id.* at 7.

<sup>29</sup> See USAC, Performance Measures Quarterly and Annual Testing Results, Quarterly 2021 CAF II Model by Carrier, <https://www.usac.org/wp-content/uploads/high-cost/documents/Compliance/Quarterly-2021-CAFII-Model-by-Carrier.xlsx> (last visited Mar. 31, 2023).

<sup>30</sup> Zply conducted 465,716 tests that met latency requirements divided by 495,751 total tests equals 93.94%. Zply's annual compliance percentage of 93.94% divided by 95% (the Commission's latency standard) equals Zply's annual latency compliance percentage of 98.9%. See Appendix.

<sup>31</sup> See Zply Petition at 6. Calculations based on USAC and Commission Staff analysis of performance measures data.

performance testing support recovery rules, USAC must recover approximately \$1.1 million<sup>32</sup> of CAF II Model high-cost support from Zply.<sup>33</sup>

## II. DISCUSSION

10. The Bureau may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>34</sup> In addition, the Bureau may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.<sup>35</sup> Waiver of the Commission's rules is appropriate when (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.<sup>36</sup> We find that the circumstances Zply describes do not meet this standard and, accordingly, deny Zply's petition for waiver.

11. Zply argues that the Commission should find that the waiver standard has been met because Zply acquired an aged network equipment from Frontier, experienced a network event that was out of its control, has otherwise demonstrated reasonable efforts to comply with the performance measures testing requirements and has a history of compliance, and experienced hardship in obtaining the network card due to supply chain issues.<sup>37</sup> Zply argues that a waiver of the Commission's rule to impose high-cost universal service support reductions would be in the public interest because the performance testing benchmark framework and its non-compliance penalties are designed to incentivize carriers to deliver broadband service at or above stated standards, rather than penalize providers for limited periods of non-compliance.<sup>38</sup> Zply relies on the *Performance Measures Reconsideration Order*, where the Commission explains that the compliance regime for the performance testing "is designed to encourage [carriers] to provide high quality broadband, not to punish carriers for failing to perform."<sup>39</sup>

12. We disagree with Zply's contention that granting a waiver is in the public interest. The Commission adopted the performance testing requirements to protect the public's investment and ensure that carriers receiving high-cost support deploy networks that meet the performance standards promised to rural customers.<sup>40</sup> The performance measures testing promotes accountability and reduces the risks of waste, fraud, and abuse in the Commission's high-cost universal service programs. As such, we consider that the public interest in performance testing is significant.

13. Consistent with the statements made in its petition, Zply complied with the Commission's performance measures testing requirements in the first three quarters of 2021 but, as the testing results demonstrate, not in the fourth quarter. Zply's argument that it should not be held accountable in 2021 for a network it acquired in 2020 is not compelling. As soon as Zply acquired the network from Frontier, it became Zply's obligation to ensure that the network was in good working order and had reliable back-up in case the network experienced any service interrupting events. Zply states that when the original route failed, traffic was re-routed onto a secondary traffic route over another third-party provisioned backhaul circuit.<sup>41</sup> This re-routing produced even fewer successful latency tests.<sup>42</sup> We

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<sup>32</sup> For ease of presentation herein, all figures have been rounded. In the actual calculation of support recovery, no rounding was performed until the final dollar amount. See Appendix.

<sup>33</sup> See 47 CFR § 54.320(d)(2). For a detailed narrative of the support recovery calculation, see Appendix.

<sup>34</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>35</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

<sup>36</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>37</sup> Zply Petition at 8-10.

<sup>38</sup> *Id.* at 8.

<sup>39</sup> *Id.* at 9; see also *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10133, para. 66.

<sup>40</sup> *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10110, para. 2.

find that, based on its own description, Zply did not deploy a network capable of meeting performance obligations because what Zply described is an unreliable back-up plan for when a system may be overwhelmed if it receives additional traffic.<sup>43</sup>

14. Zply maintains that the network event that it experienced was limited to the data network only and that voice service was unaffected.<sup>44</sup> We find that this argument is not relevant. The network event did have an impact on broadband service, which is the basis for the performance testing. Customers using real-time broadband applications would have experienced a negative impact that showed up in the failed latency tests. The proper functioning of Universal Service Fund-supported networks is critical to ensuring that consumers in rural, insular, and high-cost areas receive reasonably comparable service to those in urban areas.

15. Zply further asserts that because it did not receive any customer complaints in response to the network anomaly, no customers were impacted.<sup>45</sup> We do not find this argument to be convincing, as customers do not always file complaints when they suffer a service interruption, nor do we find that relying on customer complaints should be a standard consideration for assessing a network's operability. Furthermore, the lack of consumer complaints does not mitigate the network failure. Zply has failed to show good cause for its network not meeting minimum latency requirements, and to the contrary, has shown that it has not maintained an adequate network design to avoid such failure.

16. Zply also states that it tried to pre-emptively fix the aging equipment issues by ordering a new line card in December 2020, but the line card was not received and installed until May 2022.<sup>46</sup> Zply cites to a Bureau order wherein the Bureau stated that hardship circumstances such as supply chain issues may be considered in granting a waiver.<sup>47</sup> Zply argues that for this reason, the Commission should consider supply chain hardship as a reason to grant its waiver request.<sup>48</sup>

17. We find that the circumstances here differ from those in the Bureau order cited by Zply. That order specified that any carrier experiencing supply chain hardship in obtaining the equipment necessary to *perform network testing* should file a waiver request, supported by 1) an affidavit signed by a company official explaining that the carrier does not have sufficient testing equipment, the reason that it does not have sufficient testing equipment, and when the company anticipates having sufficient equipment, and 2) documentary evidence showing when the order was placed.<sup>49</sup> However, Zply does not contend that it could not obtain the equipment necessary to perform network testing. Rather, Zply claims it had difficulties obtaining an element of the network—the line card. Such delay does not warrant relief under the precedent Zply cited.<sup>50</sup> Moreover, Zply states it discovered the failing network card and ordered a new one in 2020, but made no effort to monitor its system and maintain an adequate back-up plan knowing that the card had not been received.

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<sup>41</sup> Zply Petition at 6.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 5-6.

<sup>44</sup> *Id.* at 2.

<sup>45</sup> *Id.*

<sup>46</sup> Zply Petition at 7.

<sup>47</sup> *Id.* at 3; *see also Connect America Fund*, WC Docket 10-90, Order, DA 22-369 (rel. Apr. 6, 2022).

<sup>48</sup> *Id.* at 9-10.

<sup>49</sup> *Connect America Fund*, WC Docket 10-90, Order, DA 22-1 (rel. Jan. 3, 2022).

<sup>50</sup> Regardless, even if the order Zply cited did apply in this case, Zply did not provide the Bureau with an affidavit from a company official explaining that the carrier does not have the necessary equipment, nor did Zply provide any evidence showing when the equipment order was placed.

18. Zply also asserts that it acted quickly to restore the network traffic;<sup>51</sup> however, Zply contradicts this assertion when it also states in its petition that it was unaware a network event occurred until April 2022 even though the failure occurred on a primary link out of Idaho, the back-up failed, and the failure lasted for at least seven days.<sup>52</sup> Failure even to detect a network problem for seven days is evidence of inadequate monitoring rather than efficient restoration efforts. Moreover, network restoration does not mitigate failing latency performance measures testing. We note that the latency standard requires 95% of testing latency measurements to be at or below 100 ms; if Zply had restored its network faster, it could still have passed. Further, during this time, Zply made no effort to notify the Commission or USAC until after USAC alerted Zply of the performance testing failure in April 2022. Zply had ample time (nearly six months) to alert the Commission of a possible performance problem. It is concerning that Zply states that it was unaware that the acquired Frontier system equipment had a failing line card until USAC informed it of its failed latency testing several months after its testing period.<sup>53</sup> In fact, given Zply was unaware of the failing line card until April 2022, it is likely that the poor network performance continued for much longer than the seven day testing period in October 2021. We find that while Zply may have experienced supply chain issues, the testing failures were not out of Zply's control, and primarily resulted from Zply's failure to properly maintain and monitor its network; therefore, a waiver for the circumstance of hardship is not warranted.

19. For the reasons discussed herein, we deny Zply's petition. Accordingly, contemporaneously with this Order, pursuant 47 CFR § 54.320(d)(2), USAC will recover \$1,106,528.00 of universal service high-cost support from Zply.<sup>54</sup>

### III. ORDERING CLAUSES

20. Accordingly, IT IS ORDERED that, pursuant to sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, the Petition for Waiver of the Commission's Connect America Fund end-of-term performance testing support recovery requirements filed by Northwest Fiber, LLC d/b/a Zply Fiber IS DENIED.

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<sup>51</sup> Zply Petition at 2.

<sup>52</sup> *Id.* at 2, 6.

<sup>53</sup> *Id.* at 5.

<sup>54</sup> For a detailed narrative of the support recovery calculation, *see* Appendix. Zply has thirty (30) days to appeal this Order by filing a petition for reconsideration or application for review, or to pay USAC the amount due. *See* 47 CFR §§1.115, 1.429

21. IT IS FURTHER ORDERED that, pursuant to section 54.320(d)(2) of the Commission's rules, 47 CFR § 54.320(d)(2), the Administrator will recover high-cost support from Ziplly Fiber as described herein.

22. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader  
Chief  
Wireline Competition Bureau

**APPENDIX  
SUPPORT RECOVERY CALCULATIONS<sup>1</sup>**

1. Where a recipient of high-cost support is unable to demonstrate compliance with a final performance testing milestone, section 54.320(d)(2) directs USAC to recover the percentage of support that is equal to 1.89 times the average amount of support per location received in the support area for that carrier over the term of support for the relevant number of locations, plus 10 percent of the eligible telecommunications carrier's total relevant high-cost support over the support term for that support area, the total of which will then be multiplied by the percentage of time since the carrier was last able to demonstrate compliance based on performance testing, on a quarterly basis.<sup>2</sup>

2. First, we calculate the total latency tests percentage for 2021. To do this, we take the total number of latency tests that met the performance measures criteria in 2021, which for Zipyly was 465,716, and divide that by the total latency tests conducted by Zipyly in 2021, which was 495,751. That equals 93.94%. We then calculate the percentage of latency compliance using the 95-percent standard. To do this we divide the percentage of the carrier's testing hours' latency measurements at or below the required latency (i.e., 100 ms ) by 95 percent.<sup>3</sup> Zipyly had a total latency tests percentage of 93.94%, so this percentage is calculated by dividing 0.9394 by 0.95, which equals the 2021 annual latency compliance percentage of 98.89%, and therefore a non-compliance percentage of 1.11%.<sup>4</sup>

3. Zipyly was required to deploy to 10,012 locations in Idaho and was authorized for \$5,223,120.28 in support per year.<sup>5</sup> Zipyly's average support per line in Idaho was \$521.69, which we calculate by taking annual support of \$5,223,120.28 and dividing it by 10,012 locations.

4. We then calculate support recovery by taking average amount of support per location received in the support area, \$521.69, times the number of locations required, 10,012, times years of support, 7, times 1.89 times the performance measures non-compliance percentage, 1.11%, which equals \$769,929.53. We then add 10% of total support received, which is annual support, \$5,223,120.28 times years of support, 7, times 10%, which equals \$3,656,184.20, for a total of \$4,426,113.72 (\$769,929.53 plus \$3,656,184.20).

5. Next, we multiply the total support recovery calculation by the percentage of time since a carrier was last able to show full compliance with required performance testing requirements prior to the end of the support term on a quarterly basis.<sup>6</sup> Zipyly's quarterly latency testing results for 2021 (the one year of testing) were as follows: 1Q: 97.48%, 2Q: 97.38%, 3Q: 97.51%, and 4Q: 83.49%. Accordingly, Zipyly's performance testing in 2021 was not in compliance (below 95%) for the one preceding quarter of testing (4Q 2021) out of a total of four quarters in which it was in testing. We multiply the amount of support to be recovered, \$4,426,113.72, by the percentage of time since the carrier was last able to demonstrate compliance based on performance testing, on a quarterly basis, here 1/4,<sup>7</sup> for a total support recovery of \$1,106,528.00.

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<sup>1</sup> For ease of presentation herein, all figures have been rounded. In the actual calculation of support recovery, no rounding was performed until the final dollar amount. See Appendix table.

<sup>2</sup> See 47 CFR § 54.320(d)(2); and *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10136, para. 72, n.190.

<sup>3</sup> See *First Performance Measures Order*, 33 FCC Rcd at 6532, para. 61.

<sup>4</sup> *Id.*

<sup>5</sup> *Wireline Competition Bureau Authorizes Frontier Communications Corporation to Receive Over \$283 Million in Connect America Phase II Support to Serve 1.3 Million Rural Americans in 28 States*, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 6310 (WCB 2015).

<sup>6</sup> See 47 CFR § 54.320(d)(2); *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10133, para. 73.

<sup>7</sup> *Id.*

Description	Calculation	Result
Total Latency Test Percentage 2021	465,716 tests that met latency requirements divided by 495,751 total tests	93.941514994 423 %
Annual Latency Compliance Percentage 2021	Annual compliance percentage 93.941515% divided by 95%	98.885805257 287%
Annual Latency Non-Compliance Percentage 2021	100% minus 98.88580525728% annual latency compliance percentage	1.1141947427 13%
Required number of locations for Idaho deployment	<i>Wireline Competition Bureau Authorizes Frontier Communications Corporation to Receive Over \$283 Million in Connect America Phase II Support to Serve 1.3 Million Rural Americans in 28 States, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 6310 (WCB 2015)</i>	10,012
Annual support authorized in Idaho	<i>Wireline Competition Bureau Authorizes Frontier Communications Corporation to Receive Over \$283 Million in Connect America Phase II Support to Serve 1.3 Million Rural Americans in 28 States, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 6310 (WCB 2015)</i>	\$5,223,120.28
Average annual support per line in Idaho	Annual support authorized in Idaho (\$5,223,120.28) divided by required number of locations for deployment (10,012)	\$521.6860047 94247

Description	Calculation	Result
Total Support Recovery	<p>Average amount of support per location received in the support area (\$521.686004794247) times the number of locations required, (10,012) times years of support (7) times 1.89, times the performance measures non-compliance percentage (1.114194742713%) = \$769,929.528609436</p> <p>Plus:</p> <p>total support received, which is annual support, (\$5,223,120.28), times years of support (7), times 10%, = \$3,656,184.1960,</p> <p>Total= \$4,426,113.72460944 (\$769,929.528609436 plus \$3,656,184.196)</p> <p>Amount of support to be recovered, (\$4,426,113.72460944), times the percentage of time since the carrier was last in compliance based on performance testing on a quarterly basis, 1/4, = \$1,106,528.43115236</p>	\$1,106,528.00 <sup>8</sup>

<sup>8</sup> Total recovery is rounded to the nearest whole dollar amount.